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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAI AH

WRIT PETITION NO. 9310/1997

Between:

Ananda Ravi,
S/o.N.B.Ramaiah,
Aged about 32 years,
Taluk Panchayath
Member, Nagaraghatta
Taluk Panchayath
Constituency, Tiptur
Taluk, Tumkur District.

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..Petitioner

(Sri S.M.Rajesh, M/s.Kesvy & Co.,)

And:

1. The State of Kar-
nataka, by its Secretary,
Housing and Urban Deveop-
ment Department,
M.S.Buildings,
Bangalore-560 001.

2. The Secretary to
Government, Rural Deve-
lopment & Panchayath
Raj Department, M.S.
Buildings,
Bangalore-560 001.

3. The Deputy Commissioner,
Tumkur District, Tumkur.

4. The Returning Officer
& Sub-Divisional Officer,
Tiptur Sub-Division,
Tiptur.

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5. The Taluka
Panchayath, Tiptur
Taluk, Tiptur,
by its Secretary.

6. Sri Yogananda,
S/o. Gavi Rangaiah,
Aged about 30 years,
R/o. Hale Palya,
Huchagondanahalli,
Tiptur Taluk,
Tiptur Dist.

7. Sri Shivanna,
S/o. Dasappa, Aged
about 50 years,
R/o. Maranagere,
Madihalli Constituency,
Tiptur Taluk.

.. Respondents

(Sri K. Nagaraja, HCGP for R.1 to R.4.
R.5 served. Sri M.V. Maheswarappa, CGSC
for R.6)

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Writ petition is filed under Articles 226 and 227 of the Constitution of India praying to hold that R.6 and R.7 ceased to be the members of the R.5 Panchayath by virtue of the notifications issued by the Government vide Annexures B and C and direct R.5 to furnish the information called for by the second respondent vide its letter dated 22.2.1997 vide Annexure-H.

This petition coming up for preliminary hearing in B group today, the Court made the following:

ORDER

The petitioner has sought for a direction declaring respondents 6 and 7 are ceased to be the members of 5th respondent-Taluk Panchayat in this writ petition. Respondents 6 and 7

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are elected ~~as~~ members of the Taluk Panchayat from the constituency consisting of many villages. Two villages from out of the said constituency are subsequently declared as part of smaller urban area ~~issued~~ under Sections 3 and 9 of the Karnataka Municipalities Act. In view of this inclusion the petitioner has filed this writ petition to declare respondents 6 and 7 are ceased to be the members of the Taluk Panchayat.

2. It is not the case of the petitioner ~~that~~ ^{from} the entire constituency ^{where} respondents 6 and 7 are ~~elected as members of the Taluk Panchayat~~ is included in the smaller urban area. That is to say, only a portion of the constituency has been included in the smaller urban area. If that is so, it will not take away the right of respondents 6 and 7 to ^{Continue} ~~represent~~ as members of the Taluk Panchayat since they are continued to be the representatives of the constituency ^{of which} ~~where~~ major portion ^{continued} to be the part of the Taluk Panchayat. In the said view of the matter, there cannot be any declaration declaring respondents 6 and 7

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are ceased to be the members of the Taluk
Panchayat. Hence, this writ petition is
rejected.

Sd/-
JUDGE

G/110698

